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9 THE PROVIDENT BANK

\*\*E-filed 9/7/05\*\*

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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 CYNTHIA TAMAYO and JUAN ALGARATE,  
16 on behalf of themselves and all others similarly  
17 situated,

18 Plaintiffs,  
19 v.

20 BRAINSTORM USA, a limited liability  
21 company; and THE PROVIDENT BANK, a  
22 corporation; DOES 1-25,

23 Defendants.

24 **E-FILING**

25 No. C01-20386 JF (RS)

26 **STIPULATION FOR CONTINUANCE**  
**OF CASE MANAGEMENT**  
**CONFERENCE PENDING**  
**RESOLUTION OF APPEAL;**  
**PROPOSED ORDER**

27 Date: September 9, 2005  
28 Time: 10:30 a.m.  
Place: Ctrm. 3, 5<sup>th</sup> Floor  
Judge: Hon. Jeremy Fogel

19 The Parties hereby stipulate as follows:

20 WHEREAS, a Further Case Management Conference is scheduled in this matter for  
21 September 9, 2005; and

22 WHEREAS, the Ninth Circuit Appeal relating to the denial of the Motion to Compel  
23 arbitration is still pending before the Ninth Circuit;

24 THE PARTIES HEREBY STIPULATE that the Further Case Management Conference  
25 set for September 9, 2005 be vacated, and that the Further Case Management Conference be  
26 continued to December 2, 2005 at 10:30 a.m.

27 IT IS SO STIPULATED.

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28 JOINT CASE MANAGEMENT STATEMENT AND STIPULATION FOR CONTINUANCE OF CMC  
Case No. C01-20386 JF (RS)

SP#143058  
SAN FRANCISCO/143058.1

1  
2 DATED: September 2, 2005

SQUIRE, SANDERS & DEMPSEY LLP

3 By: \_\_\_\_\_/s/ \_\_\_\_\_  
4 Diane L. Gibson  
5 Attorneys for Defendant  
6 THE PROVIDENT BANK

7  
8 DATED: September 2, 2005

BINGHAM McCUTCHEN LLP

9 By: \_\_\_\_\_/s/ \_\_\_\_\_  
10 Thomas E. Kuhnle  
11 Attorneys for Defendant  
12 BRAINSTORM USA

13 DATED: September 2, 2005

ALEXANDER COMMUNITY LAW CENTER

14 By: \_\_\_\_\_/s/ \_\_\_\_\_  
15 Scott Maurer  
16 Attorneys for Plaintiffs  
17 CYNTHIA TAMAYO and JUAN ALGARATE  
18 and others similarly situated

19  
20 **IT IS SO ORDERED**

21 DATED: 9/6, 2005

22 /s/electronic.signature.authorized  
23 U.S. District Court Judge Jeremy Fogel